

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Commission Review of and Response to the)	
Federal Communications Commission's)	Docket No. 05-TI-824
Triennial Review Order Relative to Network)	
Unbundling Obligations and Related Issues)	

**STATEMENT OF INTEREST OF TALK AMERICA, INC
AND Z-TEL COMMUNICATIONS, INC.**

Pursuant to the Notice of Investigation issued on July 24, 2003, Talk America Inc. and Z-Tel Communications, Inc. ("Talk America and Z-Tel" or "the Companies"), and pursuant to Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.21, hereby submit their Statement of Interest in this proceeding.¹ Talk America and Z-Tel are competitive local exchange carriers that provide telecommunications services to business and residential customers in Wisconsin, and many other states. A vast majority of the customers served by Talk America and Z-Tel are residential customers.

Talk America and Z-Tel provide telecommunications services to their customers, relying primarily on the use of network elements and combinations of network elements that include local switching purchased from other carriers, including incumbent local exchange carriers in Wisconsin. Because the Companies rely upon the availability of network elements to bring competitive choice to mass market consumers, Talk America and Z-Tel have a strong and compelling interest in this proceeding, which will investigate how the Commission will implement and respond to the Federal Communications

¹ Talk America and Z-Tel request late acceptance of these Comment pursuant to Section 2.05 of the Commission's Rules of Procedure and Practice. More specifically, Z-Tel and Talk America request that they be permitted to file their Comments with the Commission on the morning of August 5, 2003. Z-Tel and Talk America were unable to submit their comments within the time period originally set by the Commission due to other commitments of counsel for Z-Tel and Talk America. Because the Commission has indicated that the comments submitted by the parties are non-binding, and are only advisory to the Commission, Z-Tel and Talk do not believe any party will be prejudiced by this late submission.

Commission's Triennial Review Order² related to unbundling obligations. While the Triennial Review Order has not yet been released, there were certain issues outlined in the FCC's February 20, 2003 Triennial Review News Release, which described how states may be required to determine whether economic and operational impairment exists in particular markets with respect to the availability of circuit switching used to serve mass market customers. The Companies will have a particular interest in the "Nine Month" proceeding specified in the FCC's News Release, and they reserved their rights to participate in all aspects of the Commission's proceeding that may investigate other issues.

The Commission's Notice of Investigation requested that intervening parties include in their submittals "a brief, non-binding statement of the issues of concern to the filed party and an explanation of why the issue is deemed important to his investigation." In response, Z-Tel submits the attached comments filed with the Michigan Public Service Commission in June, 2003 in response to an inquiry from the Michigan Public Service Commission (Attached hereto as Exhibit A.) Talk America Inc. has attached the Triennial Review Implementation Project (TRIP) Task Force Decision Point List of substantive (Attached hereto as Exhibit B) and procedural (Attached hereto as Exhibit C) issues concerning the "Nine Month" state impairment proceedings. The TRIP Task Force, comprised of state regulatory commissioners from nine states, was established by NARUC President Dave Svanda to help the states meet their expected obligations resulting from the Triennial Review order by acting as a resource and a

² *Review of the § 251 Unbundling Obligations of Incumbent Local Exchange Carriers* (CC Docket No. 01-338), *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (CC Docket No. 96-98), and *Deployment of Wireline Services Offering Advanced Telecommunications Capability* (CC Docket No. 98-147).

clearinghouse/coordinating body for the state commissions. The Task Force recently assembled issues lists, both substantive and procedural, for the 90-day and nine month state impairment proceedings required by the Triennial Review order, and for other miscellaneous matters that are expected to require investigation. These lists included the TRIP Task Force positions, plus an additional column that reflects Talk America's statement on the importance of the issue to the Commission's investigation.

Talk America and Z-Tel look forward to participating in this important Commission investigation and providing input to assist the Commission in determining the future of competitive choice in Wisconsin.

August 4, 2003

Respectfully submitted,

TALK AMERICA, INC. and Z-TEL
COMMUNICATIONS, INC.

One of their attorneys

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